IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

MFA.No. 1101 of 2001()

OPMV.858/1994 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PUNALUR
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APPELLANTS:RESPONDENTS 1 AND 2:-
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1) SECRETARY AND COMMERCIAL MANAGER,
OIL PALM INDIA LIMITED,
P.B.NO.53, VEETTIL ESTATE,
MUTTAMBALAM, KOTTAYAM.

2) MANAGING DIRECTOR,
OIL PALM INDIA LIMITED,
P.B.NO.53, VEETTIL ESTATE,
MUTTAMBALAM, KOTTAYAM.

BY ADV. SRI.P.M.SHAFFIQUE.

RESPONDENTS:CLAIMANTS AND RESPONDENTS 3 TO 5:-
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1) P.S.VIJAYALAKSHMI, AGED 52 YEARS,
GANAPATHIVILAKAM, KULATHUPUZHA.

2) S.PRASANNA KUMARI, AGED 34 YEARS,
GANAPATHIVILAKAM, KULATHUPUZHA.

3) S.USHAKUMARI, AGED 32 YEARS,
GANAPATHIVILAKAM, KULATHUPUZHA.

4) S.MURALEEDHARAN PILLAI, AGED 28 YEARS,
GANAPATHIVILAKAM, KULATHUPUZHA.

5) RAJENDRA PRASAD, SON OF KUNJU PANICKER,
OIL PALM QUARTERS,
BHARATHEEPURAM, YEROOR.

(Contd.....)

6) HAKKIM, S/O.JAMAL,
DRIVER, PLOT NO.143, 12 CENTS,
KUZHIVILAKARAIKKOM,
SAM NAGAR P.O., KULATHUPUZHA.

7) DISTRICT INSURANCE OFFICER,
KSFC BUILDING,
CHINNAKKADA, KOLLAM : 691 001.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.SUBHASH CYRIAC
GOVERNMENT PLEADER

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S. Radhakrishnan &
T.R. Ramachandran Nair, JJ.

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C.M.P.No.7828/2001 &
M.F.A.NO.1101 OF 2001

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Dated this the 18th day of December, 2007

JUDGMENT

Radhakrishnan, J.

Though notice was ordered on 6.11.2002, service is not yet complete. The first respondent is no more. No steps have been taken by the appellant to implead the legal heirs of the first respondent and no petition has been filed for declaration of service of notice. There is a delay of 297 days in filing the appeal. We have perused the affidavit filed in support of the petition for condonation of delay. No sufficient grounds have been made to condone the delay. In such circumstances, the petition for condonation f delay is dismissed. Consequently, the appeal is also dismissed.

(K.S. Radhakrishnan, Judge.)

(T.R. Ramachandran Nair, Judge.)

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K.S. Radhakrishnan &

T.R. Ramachandran Nair, JJ.

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C.M.P. No.7828/2001 &
M.F.A.No.1101/2001

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JUDGMENT

18th December, 2007.